

SPECIAL MEETING OF THE IRON COUNTY COMMISSION
December 17, 2015

Minutes of the Special Meeting of the Iron County Commission convened at 9:00 a.m.
December 17, 2015 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Dale M. Brinkerhoff	Commission Chair
David J. Miller	Commissioner
Alma L. Adams	Excused
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

Leslie Bishop	County HR
Cindy W. Bulloch	County Assessor
Gene Adams	County Auditor
Nicole B. Rosenberg	County Treasurer
Mark Gower	County Sheriff

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PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Lieutenant Justin Zufelt.

INVOCATION

An invocation was offered by Jon Whittaker.

PUBLIC INFORMATION DISCUSSION FOR UPCOMING NATIONAL GUARD EXERCISE IN EARTHQUAKE RESPONSE.

Lieutenant Justin Zufelt, Utah Nation Guard Commanding Officer of the 213th Forward Support Company: reported that he was providing a public information brief for an exercise in

Iron County on February 5th and 6th. Lieutenant Zufelt explained that the 213th is a Forward Support Company, Logistical Arm, assigned to the 222nd Artillery Battery in Iron County. If there were a tragic event in Iron County the 213th would likely be there to help. He explained that, after some research, the most likely event to happen in Iron County would be an earthquake. Lieutenant Zufelt explained that they would be conducting an earthquake response drill in Cedar City on February 5th and 6th. They will be speaking and working with the Iron County Emergency Response Coordinator along with city officials. Lieutenant Zufelt expressed a desire to shape a package that would best serve Iron County. He explained that it would be as low key as possible, beginning around noon on Friday and finishing at noon on Saturday, working through the night, with low impact on the agencies and departments. The operations center will be the Cedar City Cross Hollows Event center and the National Guard Armory. Lieutenant Zufelt explained that there would be military vehicles and helicopters visible. David Miller suggested the event be posted on the Iron County web site (www.ironcounty.net), as well as coordinated with the Iron County Community Emergency Response Team (CERT) program. Lieutenant Zufelt agreed, and concluded by noting that they would be working with CERT, ham radio operators and the local police and fire departments.

DISCUSSION AND POSSIBLE ACTION ON TERMS FOR AN AGREEMENT REGARDING FIRE AND POLICE SERVICES BETWEEN IRON COUNTY AND PARAGONAH TOWN.

Royce Barton, Chief of the Paragonah Fire Department, appealed to the commissioners to restore their funding. Royce explained that 80% of the Paragonah Fire Department runs are outside of Paragonah Town. He noted that they have been serving for more than 50 years, and that they are the second 2nd busiest fire department in Iron County, second only to Cedar City. They cover from Parowan to Beaver, and from Kane Springs to Garfield County. Royce noted that their response times were excellent. He stated they were very concerned and invited the commissioners to visit their facilities. Royce noted that multiple public safety officials had expressed support and concern for the Paragonah Fire Department. He explained that Paragonah has the only Fire Department that does not pay the firefighters, therefore all the money received from Iron County goes directly to equipment. Royce concluded by making a plea to reinstate funding for the Paragonah Fire Department. Dale Brinkerhoff explained that withholding the budget for the Paragonah Fire Department was leverage to come to an agreement with Paragonah regarding police services.

Mark Barton, Public Safety for Paragonah Town, expressed Paragonah Town's desire to work through this issue. Mark reported that, according to Sheriff Gower, 144 calls were made in 2014. The Sheriff felt that \$12,500 would be fair for emergency calls only. That would average about \$86.80 per call. Iron County's request of \$45,000 would average \$312 per call. Dale Brinkerhoff stated the goal is to have Paragonah be on par with other areas of Iron County in regard to paying for police services. David Miller suggested a comparison between the number of calls and the total budget for all of Iron County. Mark Barton stated the cost is \$60 per hour as reported by Reed Erickson, Iron County Planner. Justin Wayment, attorney for Paragonah Town, explained that Paragonah was asking for response only, not patrol, and felt the \$12,500 estimate was fair. Dale Brinkerhoff expressed that, because of the apparent willingness to act on police services by Paragonah, he was willing to restore funding to the Paragonah Fire Department. Mark Barton replied that he would notify the Paragonah Town Council, as well as the decision concerning whether to use Parowan City or Iron County for police services. Mark indicated he would bring the police services issue back before the Commission if Paragonah Town decided to employ the Iron County Sheriff's department. David Miller explained that the commissioners desired equity between the unincorporated areas and Paragonah Town. David noted that the unincorporated areas pay a Municipal Services Tax, which helps pay for emergency services. In Paragonah, no such tax had been paid, and those services were being subsidized by the unincorporated areas.

David Miller made a motion to approve continued funding of the Paragonah Fire Department in 2016, due to cooperation on Paragonah policing services. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

APPROVAL OF COOPERATIVE LAW ENFORCEMENT AGREEMENT BETWEEN THE IRON COUNTY SHERIFFS' OFFICE, THE USDA, AND THE FOREST SERVICE, DIXIE NATIONAL FOREST.

Mark Gower, County Sheriff, explained the Cooperative Law Enforcement Agreement was the annual contract with the United States Department of Agriculture (USDA) and the Forest Service, Dixie National Forest. The US Forest Service reimburses the Iron County Sheriff up to \$3,000 for law enforcement services Iron County provides. David Miller made a motion to approve the Cooperative Law Enforcement agreement between the Iron County Sheriffs' Office, the USDA, and the Forest Service, Dixie National Forest. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

APPROVAL OF CONTRACT WITH MESA CONSULTING GROUP, INC. FOR REMODEL OF IRON COUNTY OFFICE COMPLEX, 585 NORTH MAIN, CEDAR CITY

David Miller reported that the Public Safety Building was nearing the beginning of construction. David reported that the project was running slightly over budget. He explained that early in the process, it became apparent that the initial square footage would need to be reduced. David noted that even with reduced square footage, there were likely to be cost overruns. He explained that Iron County had worked with the State of Utah to include some tentative improvements, but in order to do that the architectural plans would need to be completed. With multiple entries received, Mesa Consulting had started on those improvements, and has suggested a price of \$44,000. David Miller made a motion to approve a contract with Mesa Consulting Group, LLC for up to \$44,000 for the remodel of Iron County Office Complex area. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

Commissioner David Miller requested to bring up a couple items reported on by Iron County Today. First he reported that Craig Bennett discovered that under some recent negotiations the Bureau of Land Management (BLM) had entered into a contract to sell wild horses to a party known to buy horses and send them to Mexico for slaughter. The BLM continues to demonstrate that what is good for them isn't for others. The second item Commissioner Miller brought forward was the Utah Public Lands Commission (UPLC) that was appointed specifically for looking into all the different aspects of Public Lands that are federally managed and how that affects the state of Utah. It has been arguable and clear that there are at least 3 reasons why the state of Utah could prevail in any kind of litigation concerning a transfer of Public Lands. Iron County needs to become more aware of our public lands and some of the findings of the UPLC.

PUBLIC HEARING TO CONSIDER & ADOPT THE 2016 FINAL BUDGET

Dale Brinkerhoff, Commission Chair, declared the public hearing to consider and adopt the 2016 final budget open.

Vicki Tyler, a citizen of Cedar City, said she was representing the Citizens for Government Accountability (CGA) and herself. This group recently formed as the result of commissioners gone rogue for the Western Freedom Festival (WFF). Dale Brinkerhoff reminded Vicki that for her to speak for others she would need written permission. She said she would speak for herself and noted the comments were put together by the group, but the others were not able to attend. Her interest in the WFF, came because of her ongoing association with the Cedar Livestock and Heritage Festival. She became concerned because the WFF was poaching on that successful, non-political, non-partisan event. David Miller interjected that before the WFF was even committed to, he had met with the board of the Cedar Livestock and Heritage Festival and

each board member stated they wanted to work together. David noted that from the onset the executive board was well aware of the WFF. Vicki replied that she also had a conversation with the Chair of the group, she herself being a member of the Executive Board, and that was not the conversation that had occurred with the founder and Chair of the Cedar Livestock and Heritage Festival board. Vicki explained that he was not happy with the WFF either. She stated that the CGA feels the Iron County Commission lacks organizational and fiscal responsibility. The Cedar Livestock and Heritage Festival was the largest event at the Diamond Z Arena. She has submitted Government Records Access and Management Act (GRAMA) requests to each of the counties involved in the WFF, asking them to be specific on who is funding what. Her requests have been met with different degrees of compliance and timeliness. The organizers from the WFF have yet to prove to CGA that it has even broke even. Iron County to date, even with requests made, have yet to produce minutes as to how the funds were allocated. In contrast, the Livestock and Heritage Festival have flawless books and would be met with full disclosure down to the last penny. Vicki expressed that the commissioners' efforts in organizing the WFF have been capricious, and the lack of fiduciary responsibility was appalling.

Patricia Paystrup, another member of the CGA, stated that the major issue she wanted to address is why so many people objected to the WFF. The claim that the WFF was not intended to be political could be challenged. She expressed that many were wondering where Ken Ivory's Land Transfer Bill came from. She found it interesting that Commissioner Heaton of Kane County and Commissioner Gardner of Washington County, when they attend meetings of the Lands Council, present a very glowing picture of how everyone is signing up for the American Lands Council and the land transfer movement. To date, Utah was the only State who had passed the measure and was pursuing it. When states got notice that Ken Ivory would be coming, there were many protestors against this saying land transfer movement is unwise, unpopular, and unconstitutional. Regardless of where someone might try to stage another WFF, there would be opposition. She urged the commissioners to remove the \$20,000 being appropriated from the TRT tax and consider whether it really would be worth misappropriation of tax dollars to continue the festival.

David Miller replied that the WFF was a celebration of agriculture and independence. David expressed that the freedoms the WFF celebrates are being challenged. He noted that local decisions for federal agencies had been reduced, and that programs and policies challenged the freedoms and rights of Iron County. David expressed that federal land manager of the U.S. Forest Service were collaborating with non-governmental organizations to adopt science on the lands that adversely affects the ranchers and users of the lands. He noted breeches of the Federal Advisory Committee Act (FACA), the National Forest Management Act of 1976 (NFMA), and the Federal Land Policy and Management Act (FLPMA), and explained that the WFF was to celebrate and talk about how to keep the heritage intact.

Dale Brinkerhoff, County Commission Chair, declared the public hearing closed.

RESOLUTION 2015-15 TO ADOPT 2016 FINAL BUDGET

David Miller expressed his appreciation to the staff and departments for the amount of time and effort to finalize the budget. He also told Vicky Tyler that he was appreciative of her comments and that they did not fall on deaf ears. David explained that there was a lot of time and effort put into the WFF and that it was not a failure. He would like to work together to address her concerns.

Gene Adams, County Auditor, commented he added \$83,000 to the Road Department that he failed to include, and \$40,000 to the Paragonah Fire Department. David Miller made a motion to approve Resolution 2015-15 to adopt the 2016 final budget, with the additions of \$83,000 to the Road Department and \$40,000 to the Paragonah Fire Department. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

CONVENE AS BOARD OF EQUALIZATION

DISCUSS AND REVIEW ABATEMENTS FOR THE 2015 TAX YEAR SUBMITTED BETWEEN OCTOBER 12, 2015 AND DECEMBER 17, 2015.

Christene Lowder explained that she had added a total of \$32,249.56 in adjustments between Oct 12th and Dec 15th. Most of them were circuit breakers, with many corrections made for veterans. Christene explained that the reason for this was the way the abatement program for the Veterans is calculated based on the percentage the Veterans Administration rates them. She noted that she would be seeking reimbursement for the regular home circuit breakers of \$160,890.64 from the State and \$1,669.99 on mobile homes. David Miller made a motion to approve the late applications for low income; homeowners tax credits; blind; and veterans abatements for the 2015 tax year submitted between Oct 12, 2015 and Dec 17, 2015. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

RECONVENE AS IRON COUNTY COMMISSION

NON-DELEGATED ITEMS

David Miller noted that the Central Iron County Water Conservancy District would be meeting that night to discuss the State Water Engineer's ground water management plan Cedar Valley.

APPROVAL OF MINUTES

Dale Brinkerhoff made a motion to approve the minutes of September 28, 2015, with a correction to Commissioner Adams' comment in the Public Comments. The last paragraph should say "the sage grouse was not listed and was cause to celebrate." Second by David Miller. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

ADJOURNMENT

Dale Brinkerhoff made a motion to adjourn. Second by David Miller. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

Signed: Dale M. Brinkerhoff, Chairman

Attest: Jonathan T. Whittaker, County Clerk